



Ref & Ref ltr 307

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

CHRISTOPH LODDE

Serial No. **09/755,884**

Filed: **JANUARY 5, 2001**

For: **TEXTILE ADHESIVE TAPE**

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OFFICE OF THE
COMMISSIONER OF
PATENTS
WASHINGTON, DC 20231

REQUEST FOR REFUND

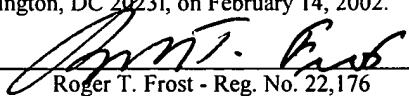
Assistant Commissioner for Patents
Washington, DC 20231
Sir:

The undersigned attorney for applicant respectfully requests the PTO to refund the amount of \$195 in the referenced application. That amount was submitted to the PTO with a provisional petition for extension of time and a response to Notice of Incomplete Reply, both filed July 16, 2001.

The relevant facts are as follows:

- 1) On April 10, 2001 the PTO sent a Notice to File Missing Parts. That Notice set a two-month period for filing all required items listed in the Notice.
- 2) On April 26, 2001 the undersigned mailed to the PTO a response to that Notice. The response complied with every requirement listed in the notice.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on February 14, 2002.


Roger T. Frost - Reg. No. 22,176

3) On July 5, 2001 the PTO sent a Notice of Incomplete Reply. That Notice stated that the applicant's reply to the previous notice did not include "the following items required in the [previous] Notice", that item being that the claims commence on a separate sheet.

4) On July 16, 2001 the undersigned submitted a Response to Notice of Incomplete Reply. That response included a copy of compliant claims, but pointed out that the previous Notice from the PTO did not include a requirement for claims commencing on a separate sheet. For that reason, the undersigned traversed the requirement for an extension of time to submit the claims according to the Notice of Incomplete Reply.

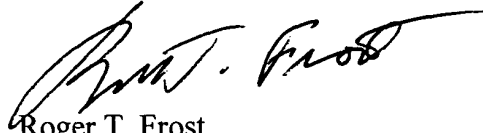
5) Notwithstanding that the first Notice from the PTO did not include the requirement for claims commencing on a new page, the undersigned submitted a request for extension of time and payment of \$195 to the PTO on July 16, 2001. The undersigned did so to avoid further costs, if the Office decided that the requirement for an extension was improper in the circumstances described. No such decision was received.

Summarizing the foregoing, the undersigned submits that the requirement for claims commencing on a separate sheet was not part of the original Notice dated April 10, 2001. Accordingly, the applicant's timely response to that Notice did not fail to comply with any requirement stated in the Notice. The applicant, however, did timely comply with that requirement, immediately after receiving the Notice mailed July 5, 2001. Accordingly, the requirement for an extension of time was proper, and the applicant is entitled to a refund of \$195, the fee for that extension.

Application No. 09/755,884
Request for Refund

The Office is requested to credit that refund to Deposit Account No. 11-0855.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Roger T. Frost", with a stylized, flowing script.

Roger T. Frost
Reg. No. 22,176

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Docket: 44815/251563
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